

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF TEXAS
DEL RIO DIVISION**

United States of America,

Plaintiff,

vs.

Geovanny Elvin Nunez,

Defendant.

§
§
§
§
§
§
§
§
§

Cause No. DR-12-CR-0044 (01) AM

REPORT AND RECOMMENDATION

TO THE HONORABLE ALIA MOSES, UNITED STATES DISTRICT COURT
JUDGE FOR THE WESTERN DISTRICT OF TEXAS:

This case has been referred, by a general order, to the United States Magistrate Judge for the taking of a felony guilty plea. 28 U.S.C. § 636(b)(3); *United States vs. Dees*, 125 F. 3d 261 (5th Cir.1997).

On the 29th day of March, 2012, the defendant and counsel appeared before the undersigned United States Magistrate Judge who addressed the defendant personally in open court. The Court informed the defendant that he had a right to have his plea taken by the United States District Judge and advised him of the admonishments mandated by Rule 11(b) of the Federal Rules of Criminal Procedure. The undersigned United States Magistrate Judge finds as follows:

- 1) The defendant, with the advice of his attorney, has consented to the taking of his guilty plea by the undersigned United States Magistrate Judge but understands that sentencing will be conducted by the presiding United States District Court Judge;
- 2) The defendant understood the nature of the charges and penalties;
- 3) The defendant understood his constitutional and statutory rights and freely and voluntarily waived them;

- 4) The defendant pleaded guilty to **Count One** of the Indictment without a plea agreement;
- 5) The defendant's plea was made freely and voluntarily;
- 6) The defendant is competent to enter this plea of guilty; and
- 7) There is a sufficient factual basis for this plea.

RECOMMENDATION

It is, therefore, the recommendation of the undersigned magistrate judge that the defendant's guilty plea be **ACCEPTED** and that a judgment of guilt be entered against the defendant.

NOTICE

The United States District Clerk shall serve a copy of this report and recommendation on all parties either by (1) electronic transmittal to all parties represented by an attorney registered as a filing user with the Clerk of Court pursuant to the Court's Procedural Rules for Electronic Filing in Civil & Criminal Cases; or (2) certified mail, return receipt requested, to any party not represented by an attorney registered as a filing user. Pursuant to 28 U.S.C. § 636(B)(1), any party who wishes to object to this report and recommendation may do so within fourteen days after being served with a copy. Failure to file written objections to the findings and recommendations contained in this report shall bar an aggrieved party from receiving a de novo review by the District Court of the findings and recommendations contained herein, see 28 U.S.C. § 636 (b)(1)(c), and shall bar an aggrieved party from appealing "the unobjected-to proposed factual findings and legal conclusions accepted by the District Court" except on grounds of plain error. *Douglass v. United States Servs. Auto. Ass'n*, 79 F.3d 1415, 1429 (5th Cir.1996).

The Clerk shall promptly deliver copies of this Report and Recommendation to all parties and their counsel.

SIGNED and ENTERED on March 29, 2012.

A handwritten signature in black ink, appearing to read 'Collis White', is written over a horizontal line.

**COLLIS WHITE
UNITED STATES MAGISTRATE JUDGE**